

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 11th day of May 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Donald Bollin-President</b>	<b>Jay Lambert</b>
	<b>JoAnne Arruda-Vice President</b>	<b>Cecil E. Leonard</b>
	<b>Hannibal Costa</b>	<b>Edward Roderick</b>
	<b>Louise Durfee</b>	

Town Administrator, James C. Goncalo

Town Solicitor, Andrew M. Teitz were also present.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda for approval.

Councilor Arruda requested the removal of items A-3b, c and d.

Councilor Durfee made a motion, seconded by Councilor Roderick to approve the rest of the items on the Consent Agenda. Motion passed unanimously.

**CONSENT AGENDA**

**A-1- a. Approval of Minutes from April 27, 2009 Regular Council Meeting Councilor Bollin abstained, not present**

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                          |                          |
|--------------------------|--------------------------|
| a. Personnel Board (3)   | e. Wastewater Management |
| b. Prevention Coalition  | f. Zoning Board          |
| c. Recreation (3)        | g. Cemetery              |
| d. School Department (2) | h. Board of Canvassers   |

**A-3- Correspondence-Receive and File**

- a. Received From Rhode Island Statewide Coalition Regarding Resolution to Eliminate the Straight Party Ballot in Rhode Island Elections

**A-4-Schedule Joint Public Hearing With Planning Board Regarding Comprehensive Community Plan Updates on Council Meeting June 22, 2009**

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**b. Received From City of Warwick Related to Legislation Authorizing city and Town Councils to Ratify School Teacher Contracts**

**c. Received From Town of North Kingstown Regarding Council Resolution Supporting Repeal of Caruolo Act**

**d. Received From Town of Richmond Regarding Support to Repeal Caruolo Act**

Councilor Arruda requested removal of these resolutions, not in support of the wording. President Bollin noted the Council is only acknowledging receipt of the correspondence, not taking an action. Councilor Lambert stated acknowledging receipt only with no discussion on merits.

Councilor Arruda made a motion, seconded by Councilor Leonard to receive and file the correspondence. Motion passed unanimously.

**PROCLAMATION FATHER JOSEPH BOEHR COUNCIL OF THE KNIGHTS OF COLUMBUS CELEBRATING 50 YEARS**

**WHEREAS:** the Father Joseph Boehr Council of the Knights of Columbus was established in Tiverton on April 5, 1959, some 50 years ago; and

**WHEREAS:** the members of this Council have distinguished themselves in strong support of family life and in the service to all the people of Tiverton; and

**WHEREAS:** the Tiverton Council of the Knights of Columbus has grown into an organization of well over 500 families; and

**WHEREAS:** the Tiverton Council of the Knights of Columbus is known for their many charitable deeds; and

**WHEREAS:** the Town Council, at its regularly scheduled meeting on Monday, May 11, 2009, by motion made and unanimously passed did proclaim

Saturday, May 30<sup>th</sup>, 2009

**“TIVERTON FATHER JOSEPH BOEHR COUNCIL  
KNIGHTS OF COLUMBUS DAY”**

**BE IT FURTHER PROCLAIMED:** that every official and citizen of the Town of Tiverton is requested to recognize and pay all due respect to the Knights of Columbus.

**BY ORDER OF THE TIVERTON TOWN COUNCIL:** Nancy L. Mello, Town Clerk  
May 11, 2009

Councilor Durfee made a motion, seconded by Councilor Costa, the Proclamation as read be adopted. Motion passed unanimously.

**FINANCIAL BUSINESS:**

**Town Administrator– Request Transfer of Funds for State Aid Reduction \$61,000 from Various Accounts as Listed on Attached Summary to Acct #112-999 (State Aid Reduction)**

Councilor Leonard made a motion to approve the Transfer of \$61,000 as listed. Administrator Goncalo asked the Transfer amount be amended to \$46,000 as listed on the new handout. Councilor Leonard amended the motion to transfer \$46,000 as listed. Seconded by Councilor Durfee the motion passed unanimously. The transfer of funds was as follows:

<b>FROM</b>		<b>TO</b>		
<b>ACCOUNT</b>	<b>DESCRIPTION</b>	<b>ACCOUNT</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
112-171	T/A Expense	112-999	State Aid Reduction	\$ 1,000
112-590	T/A Computer Services	112-999	State Aid Reduction	\$ 5,000
112-693	T/A Grant	112-999	State Aid Reduction	\$ 5,000
214-730	Treas. Computer Sys.	112-999	State Aid Reduction	\$ 5,000
227-269	Unemployment Security	112-999	State Aid Reduction	\$20,000
227-269	Unemployment Security	112-999	State Aid Reduction	<u>\$10,000</u>
			Total	\$46,000

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:**

**PUBLIC HEARING – ADVERTISED**

**1. Huejan, Inc., d/b/a Lil’ Bear Sports Lounge, 983 Main Road**

**a. Requesting Full Liquor BV License – Subject to Meeting All Legal Requirements – Request Continue to May 26 for Additional Advertising**

**b. Requesting Entertainment License – Subject to Meeting All Legal Requirements Request Continue to May 26<sup>th</sup> for Additional Advertising**

President Bollin opened the Public Hearing on the request from Huejan, Inc. d/b/a Lil' Bear Sports Lounge, 983 Main Road for a Full Liquor BV License and an Entertainment License.

Councilor Durfee made a motion to continue this Public Hearing to May 26, 2009 due to the advertising. Seconded by Councilor Costa motion passed unanimously.

**BOARD OF LICENSING COMMISSIONERS:**

**Sotiris Paulis d/b/a Yannis Seafood, 2490 Main Road – Requests Approval of Victualling License – Subject to Meeting All Legal Requirements**

Councilor Durfee made a motion, subject to meeting all legal requirements to grant a Victualling License to Sotiris Paulis d/b/a Yannis Seafood, 2490 Main Road. Seconded by Councilor Roderick, motion passed unanimously.

**Skyron, Inc., 1701 Stafford Road – Requests Approval of Holiday License – Subject to Meeting All Legal Requirements**

Councilor Arruda made a motion to approve, subject to meeting all legal requirements, a Holiday License for Skyron, Inc., 1701 Stafford Road. Seconded by Councilor Leonard, motion passed unanimously.

**Roger N. Dupont, 28 Salisbury Street – Requests Renewal of Private Detective License – Subject to Meeting All Legal Requirements**

Chief Blakey stated there were no disqualifiers for this license.

Councilor Costa made a motion, seconded by Councilor Leonard to issue a renewal of a Private Detective License to Roger N. Dupont, 28 Salisbury Street, subject to meeting all legal requirements. Motion passed unanimously.

**Huejan, Inc., d/b/a Lil' Bear Sports Lounge, 983 Main Road - Requesting Victualling License – Subject to Meeting All Legal**

Councilor Durfee made a motion to continue this request for a Victualling License to May 26, 2009 to coincide with public hearing for their liquor and entertainment licenses. The motion was seconded by Councilor Leonard, passed on a vote of 6-1, Councilor Bollin opposed.

**APPOINTMENTS & RESIGNATIONS**

**Interview and Appoint Harbormaster – Annual Appointment to June 2010**

**David E. Vannier**

Council interviewed two candidates for Harbormaster. David E. Vannier was interested in the position because of issues with moorings. Believed things could be done in a more efficient manner with regards to record keeping, mooring tagging and communication. Available weekends, evenings, early morning. Currently Supervisor at Brayton Point, available by cell phone. Has read the Harbor Management Plan, sees some discrepancies between the code and Chapter 14, in particular the procedure on how to appoint the Harbormaster.

**Dillon Fournier**

Dillon Fournier was interested, boater all his life, witnessed violations, self-employed. Owned a powerboat, sailboat, scuba certified. Read the Charter, duties of the Harbormaster. Could be at Standish boat yard in 15-20 minutes.

Chief Lloyd noted in an emergency, certified employees of the Fire Dept launch the boat, work together with the Harbormaster. Chief Blakey also noted for the Council some Police Officers are certified in boating. Administrator looking into getting information from the Trust about this position. Councilor Leonard noted this a tough choice, appreciated that both were willing to step forward.

Councilor Leonard made a motion, seconded by Councilor Lambert to appoint David E. Vannier, Harbormaster to a term ending 6/30/2010. Councilor Durfee noted they were two good candidates, appreciated the straight forward approach of Mr. Fournier, suggested getting recommendations from the Harbor Commission in the future. Motion passed unanimously. President Bollin thanked both men and recommended Mr. Fournier see the Administrator about the Assistant Harbormaster position.

Steven Trinadade removed his name from consideration

### **UNFINISHED BUSINESS**

#### **Councilor Leonard – Establishing Major Council Goals as Discussed at Workshop**

Major Council goals were discussed at the workshop on March 30<sup>th</sup>. The second goal was considerably modified; the last four goals remained the same.

Councilor Leonard made a motion to vote on the goals. Councilor Durfee seconded for purposes of discussion.

Councilor Durfee asked Administrator Goncalo for his input with regards to employee contracts. Have a model contract for Dept. Heads, attempting to standardize all facets within those contracts, looking to standardize all benefit packages, as they are equal. Councilor Leonard, as discussed at the workshop, certain contracts have certain specifics to departments. President Bollin was looking for a formula to calculate benefit amounts; standardizing agreements can be accomplished. Councilor Durfee noted the Teamsters do not participate in standardizing benefit packages.

Councilor Leonard modified his motion to change the words “terms” with the word “benefits”. Motion passed unanimously. The six Council goals were as follows:

- 1.Support Economic Development Commission work with focus on North Main Road revitalization, (alternate energy sources such as wind power) and Industrial Park development.
- 2.Establish guidelines for employee contracts (will require multi year period-including standardizing benefits of all municipal collective bargaining contracts).
- 3.Completion of Comprehensive Community Plan approved by State and commence follow up ordinance revisions.
- 4.Make certain the Bay Street contamination area gets sewerred through stimulus funding.
- 5.Control the budget and taxes and keep any tax increases well within State mandated caps.
- 6.Work with all committees to create an effective budget.

Councilor Roderick requested of Town Administrator status on seeking stimulus funds to apply to Bay Street sewers. Administrator had not received any word as of yet.

#### **Councilor Leonard – Policy for Town Website**

Solicitor Teitz drafted a policy for the Town Website, was a compilation of several policies, looked at the issue of links, Webmaster given day-to-day responsibility. Appeals go to the Town Administrator and then to the Council. The Webmaster has specific instructions, mostly gets agendas and minutes to be

posted, and usually touches base with the Administrator. The Policy gives guidance to the Webmaster with regards to non-profits. No political statements or links to them.

Councilor Costa made a motion, seconded by Councilor Durfee to adopt the "Tiverton Website Policy". Motion passed unanimously.

See policy as adopted in file folder.

#### **Town Council – Discussion of the Financial Town Meeting**

Town Clerk Nancy Mello, at a meeting of the Board of Canvassers, Michael C. Smith was certified as the winner of the election for Town Moderator, term beginning 7/1/09 to 6/30/2011. Councilor Durfee thanked Michael S. Burk, Moderator of the May 9<sup>th</sup> Financial Town Meeting for his conduct of the meeting, his service to the Town and a job well done. Mr. Burk thanked Town Clerk Nancy Mello for all her help and everyone who attended the meeting.

Councilor Durfee made a motion, seconded by Councilors Bollin and Roderick to send a formal letter of thanks to Mr. Burk and applaud his conduct. Motion passed unanimously.

#### **NEW BUSINESS:**

##### **John and Teresa Cordeiro, 19 Blueberry Lane Request Permission to Hold a Bike Ride to Benefit the Megan L. Cordeiro Memorial Foundation – Late September/Early October**

###### **a. Support of Recreation Commission (Minutes of 4/30/09)**

###### **b. Referred to Police Department**

John and Teresa Cordeiro appeared before the Council to request permission to hold a bike ride benefit. Safety to riders and the public, paramount, not a race. Every rider required to be 18 and over, will receive notification the roads are not closed, ride single file, basic safety instructions will be given. Spoke to Lt. Jones will work out details, if prudent will get a Police detail; have also contacted the Little Compton Police Chief. Chief Blakey spoke with Chief Wordell, ready to assist. The date of the bike ride is October 3, 2009 with a rain date of October 4<sup>th</sup>. Councilor Durfee noted this was one of the best proposals the Council has received for such an event. Mr. Cordeiro informed the Council they would have the necessary insurance to run all three rides. Discussed with Recreation the possibility of using the Town Farm track for those who want to walk.

Councilor Durfee made a motion, seconded by Councilor Costa to grant permission to hold a bike ride on October 3, 2009, rain date October 4<sup>th</sup>, based on the proposal submitted. Motion passed unanimously.

##### **Tiverton Youth Soccer, Richard Bush – Request Use of Town Farm for Annual British Soccer Camp to be Held July 27<sup>th</sup> Through July 31<sup>st</sup>**

###### **a. Support of Recreation Commission (Minutes of 4/30/09)**

Richard Bush, Recreation Committee, appeared before the Council to request use of the Town Farm for the Annual British Soccer Camp, July 27 to July 31, 2009. This is the same program as in past years. Water issues have been addressed. Attendance has increased to 60-80 participants. Recreation Commission in agreement.

Councilor Arruda made a motion, seconded by Councilor Roderick to grant the use of the Town Farm for the Soccer Camp, July 27-July 31, 2009. Motion passed unanimously.

**Recreation Commission, Jack Cook – Letter Regarding Length of Time Stone Bridge Fire District Would Allow for Development of Proposed New Soccer Complex**

Jack Cook, Recreation Committee, appeared before the Council regarding the propose New Soccer Complex. Recreation received a letter from Stone Bridge Fire District, which donated land for the Complex with conditions of two years to finalize plans, clear the land and establish playing conditions. Recreation has lined up an architect, entire process should take 5-6 years, will be playing soccer in 2 years. Six to eight acres need to be cleared. Councilor Durfee reminded Mr. Cook he is required to talk to the arborist, John Manchester prior to clearing land.

Councilor Durfee noted the Solicitor should review any letter of agreement with Stone Bridge Fire District.

Councilor Durfee motioned, any agreement with Stone Bridge Fire District be formalized in a letter of agreement, prepared by Solicitor Teitz and presented to the Council for adoption. Councilor Bollin seconded the motion for discussion.

Mr. Cook stated Stone Bridge would write up something, a concept idea. President Bollin asked for a plan. Mr. Cook stated the plan was being paid for privately. Solicitor Teitz noted if this was something Recreation was doing he should review the contract. Mr. Cook handed the Solicitor a contract. After reviewing the contract, Solicitor Teitz believed the contract to be satisfactory for a Class 4 concept plan at this point, by Able Engineering. For a plan to get approved, a class I survey will be needed, could cost several thousand dollars. Then when Stone Bridge okays, it will need to be finalized. They need to understand the Town is not obligated until that point.

Councilor Durfee made a motion the Recreation Commission be authorized to proceed to have Able Engineering draw a Concept Plan for a Soccer Development. Seconded by Councilor Roderick. Councilor Roderick amended the motion, in agreement with Durfee that authorization is without obligation any Town funds. Motion passed unanimously.

**Robert Martin, Friends of Bulgarmarsh Park – Request Permission for “Motorcycle Run” Fundraiser in August –Recreation Commission Minutes August 2008**

Robert Martin appeared before the Council to request permission for a Motorcycle Run to raise money for Bulgarmarsh Park playground equipment. Councilor Durfee expressed concerns about the Noise Ordinance. Chief Blakey noted even though this was a worthy cause, the Police Dept. would get a multitude of calls. Councilor Bollin, understood the noise issue, wished there was a plan in place, number of miles, etc. Mr. Martin stated no defined plan only concept at this point, not wanting to go forward if Council not in agreement. Felt only need Council approval to use Bulgarmarsh Park to sell soda, hot dogs, etc. Councilor Bollin reiterated the Council would look at a plan with the appropriate safety measures, documentation and recommendations from Chief Blakey. A Public Hearing is needed for a noise variance. Chief Blakey supported raising funds but needed to take a look at the route. Mr. Martin thanked the Council for their time.

**BIDS & REQUESTS FOR PROPOSALS**

**Leroy Kendricks/Wastewater Management – Request to Solicit Competitive Bids**

**a. Completion of the Canonicus Street sewer**

**b.Engineering Design Services for Remainder of Shove Street Area Sewers**

John Lincourt, Wastewater Management Superintendent and Leroy Kendricks, Commission Chair, requested to solicit competitive bids for sewers. The Canonicus Street sewer will be completed up to

Main Road, working with DPW Director to get paving done on Canonicus after completion of the sewer project.

Councilor Durfee made a motion, seconded by Councilor Arruda to approve the request to solicit competitive bids for completion of Canonicus Street sewer and design services for remainder of Shove Street area sewers. Motion passed 6-0-1. Councilor Bollin abstained.

#### **TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

1. Bin for recycling plastic bags at DPW from 7-3pm.
2. Thanked William Girrier for donating one of his paintings to the Town.
3. Making good headway on the 1200 delinquent tax notices recently mailed.
4. Building Code Board of Appeals members will be appointed this week.
5. PODS Drill will occur on Saturday May 16<sup>th</sup> at the Middle School from 10:00-11:00am. Mass quantities of medication, for the drill, candy, given out. Urge members of the Public to attend.

#### **PUBLIC ANNOUNCEMENTS:**

#### **COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

1. Councilor Durfee asked the Administrator how the vote on abatements at the Town Meeting would flow through the Budget. Administrator Goncalo will address this at the next meeting.
2. Councilor Leonard asked about the Skate Park. Administrator in process of scheduling a meeting, \$18,000 grant has to be used by June 30, 2010. Some expenditures already accrued up to \$7,500. Grant can be expanded up to \$40,000. Money is still available. Roosevelt Rd. to the recreation area, ready to ask the DPW to pave road. Councilor Durfee asked for a progress report at the next meeting.

#### **TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

#### **CLOSED EXECUTIVE SESSION**

##### **Town Solicitor - Litigation – 42-46-5(a) (2)**

In Open Session, Councilor Durfee made a motion, seconded by Councilor Arruda, to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed on a vote of 6-1, Councilor Costa opposed.

The Council entered into Executive Session at approximately 8:35 p.m.

The Council returned to Open Session at approximately 9:00p.m.

#### **OPEN SESSION:**

In open session Council President Bollin stated action had been taken in Executive Session. Councilor Roderick motioned to seal the minutes, seconded by Councilor Leonard. Motion passed unanimously.

#### **ADJOURNMENT:**

Councilor Roderick motioned to adjourn, seconded by Councilor Durfee. Motion passed unanimously. Council adjourned at approximately 9:05 p.m.

A True Copy. ATTEST: \_\_\_\_\_

Nancy L. Mello, Town Clerk

